IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

Bail Appl..No. 5100 of 2007(R)

CMP.5400/2007 of J.M.F.C.-III, PUNALUR
CRIME NO.420/07 OF PUNALUR POLICE STATION

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PETITIONER/ACCUSED NO.2

RASHEED, AGED 22 YEARS, S/O JALAL,
KANJIRAMVILA VEEDU, ALUVA COLONY,
MUSAVARIKKUNNU, PUNALUR VILLAGE,

BY ADV. SRI.S.RAJEEV

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.
(CRIME NO.420 OF 2007 OF PUNALUR POLICE STATION)

BY P.P. SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/08/2007 ALONG WITH B.A.NO.5103/07, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. Nos. 5100 & 5103 OF 2007

Dated this the 24th day of August, 2007

ORDER

Applications for regular bail. The petitioners are accused 2 and 3 in a crime registered, inter alia, under Sec. 394 of the IPC. The crux of the allegations is that the accused persons - 4 in number, assaulted and snatched an amount of Rs.1,400/- which the de facto complainant – a van salesman, was carrying with him. The miscreants were total strangers to the de facto complainant; but he heard the miscreants addressing themselves using some names. Those names were furnished to the police and hence in the First Information Statement, those names are shown as the names of the accused persons. The alleged incident took place on 25/7/07. Some time later, accused 2 and 3 were arrested at the railway station by the police. Accused No.1 was subsequently arrested on 7/8/08. All the arrested accused

continue in custody. Accused No.4 is still at large. Accused 1 and 2 have criminal antecedents. The petitioners have no criminal antecedents, reported. The petitioners continue in custody from 25/7/07.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. There was a wordy altercation between the de facto complainant and the petitioners. This led to physical altercation. The de facto complainant is influential with the police. He was therefore able to get a case registered against the petitioners with the sole intention of vexing and harassing the petitioners. It is prayed that the petitioners, who have remained in custody from 25/7/07, may now be enlarged on bail.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the offence alleged is grave and serious. Such crimes deserve to be frowned upon. Such crimes deserve to be dealt with very seriously. Investigation is not complete. One of the accused is still at large. Some of the accused have criminal antecedents also. In these circumstances, the petitioners may not be enlarged on bail at this early stage, submits the learned Public Prosecutor.

4. Having considered all the relevant inputs, I am

persuaded to agree that there is merit in the opposition by the learned Public Prosecutor. I am satisfied that in a crime like the instant one, the Investigator must be granted reasonable further time to complete the investigation. The prayer of the petitioners for bail at this juncture must hence fail.

5. These Bail Applications are dismissed. I may hasten to observe that the petitioners shall be at liberty to move this Court for bail against at a later stage of the investigation – not at any rate, prior to 7/9/2007. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge